

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Teresa Wilson,	:	
	:	Civil Action No.: <u>4:14-cv-1850</u>
	:	
Plaintiff,	:	
v.	:	
	:	
Synchrony Bank f/k/a GE Capital Retail Bank; and DOES 1-10, inclusive,	:	COMPLAINT
	:	
Defendants.	:	
	:	

For this Complaint, the Plaintiff, Teresa Wilson, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of the Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. The Plaintiff, Teresa Wilson ("Plaintiff"), is an adult individual residing in St. Clair, Missouri, and is a "person" as defined by 47 U.S.C.A. § 153(39).
4. Defendant Synchrony Bank f/k/a GE Capital Retail Bank ("Synchrony"), is an Ohio business entity with an address of 950 Forrer Boulevard, Kettering, Ohio 45420, and is a "person" as defined by 47 U.S.C.A. § 153(39).

FACTS

5. Within the last year, Synchrony began placing calls to Plaintiff's cellular telephone, number 636-xxx-5530, in an attempt to collect a debt allegedly owed by Plaintiff (the "Debt").

6. During all times mentioned herein, Synchrony called Plaintiff on her cellular telephone using a prerecorded or artificial message on a cellular telephone.

7. Synchrony used an automated voice when placing calls to Plaintiff which indicated that Synchrony was contacting her in an attempt to collect the Debt. The prerecorded voice instructed Plaintiff to call Synchrony back, and then provided Plaintiff with a call back number.

8. In order to make the repeated calls to her cellular phone cease, during the month of June, 2014, Plaintiff called Synchrony back at the number provided by the automated voice. During the conversation with a live representative, Plaintiff requested that the calls to her cellular phone cease.

9. Despite lacking Plaintiff's permission, Synchrony placed over sixty additional calls to Plaintiff's cellular phone using an automated voice.

10. The repeated calls caused Plaintiff significant inconvenience.

COUNT I **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –** **47 U.S.C. § 227, et seq.**

11. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

12. Defendants contacted Plaintiff by means of prerecorded messages to her cellular phone knowing that it lacked consent to call her number in light of her requesting that Defendants cease calling. As such, each call placed to Plaintiff was made in knowing and/or

willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

13. The calls from Defendants to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

14. Defendants’ telephone system has the capacity to store numbers in a random and sequential manner.

15. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call made in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

16. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants:

1. Statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
2. Punitive damages; and
3. Such other and further relief that the Court may deem just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: November 3, 2014

Respectfully submitted,

By: /s/ Sergei Lemberg

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